The listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims

Claims 1-63 (canceled).

Claim 64 (previously presented): A method for increasing antigen-specific IgE production comprising administering to an animal a patient a therapeutically effective amount of a polypeptide comprising SEQ ID NO 2 or SEQ ID NO 5.

Claims 65 (currently amended): A method for increasing antigen -specific IgE production comprising administering to an animal a patient a therapeutically effective amount of a polypeptide encoded by a nucleic acid sequence comprising SEQ ID NO 1, ~~2~~ 3 or 4.

Claim 66-95 (canceled).

Remarks/Arguments

In the Office Action dated February 25, 2004 , the Examiner restricted the then-pending claims (64-66 and 81-95) into three groups of inventions (Groups I-III, inclusive):

Group I (claims 64-65): drawn to a method for increasing antigen-specific IgE production using a defined polypeptide (or nucleic acid) sequence;

Group II (claim 66): drawn to a method for detecting antigen-specific IgE production using an antibody or fragment thereof which specifically binds to a defined polypeptide (or nucleic acid) sequence;

Group III (claims 81-95): drawn to a method for treating IgE-related disease using purified antibody or fragment thereof which specifically binds to a defined polypeptide (or nucleic acid) sequence.

The Examiner constructively elected Group I for prosecution on the merits. The Applicant respectfully traverses and requests reconsideration of this restriction in view of the reasons set forth below.

35 U.S.C. §121 states that "[i]f two or more independent and distinct inventions are claimed in one application, the Director **may** require the application to be restricted to one of the inventions (emphasis added)." The statute, therefore, establishes restriction as a procedural matter within the discretion of the Patent and Trademark Office Director. MPEP §803 provides Examiners with guidance as to when restriction is proper. Section 803 states "that there are two criteria for a proper requirement for restriction between patentably distinct inventions: A) the inventions must be independent or distinct as claimed; **and** B) there **must be a serious burden on the examiner** if restriction is required (emphasis added)."

Moreover, there would be no serious burden on the Patent Office if restriction is not required. It is extremely unlikely that any reference which teaches one of the claimed methods using the claimed polynucleotides would fail to